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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ROBERTS AUTOMOTIVE SERVICE
INC. dba ROBERTS AUTOMOTIVE
SERVICE INC.
4601 E. Slauson,
Maywood, Ca. 90270-2935
ROBERT SIMON MAFFIE, PRESIDENT,
ARACELI MAFFIE, SECRETARY
Automotive Repair Dealer Registration No.
ARD 153378
Smog Check Station License No. RC 153378**

**ROBERT SIMON MAFFIE
4601 E. Slauson,
Maywood, Ca. 90270-2935
Advanced Emission Specialist Technician
License EA101948 (to be redesignated upon
renewal as EO101948 and/or EI101948)**

Respondents.

Case No. 79/14-80

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 8, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation

1 No. 79/14-80 against Roberts Automotive Services, Inc.; Robert Simon Maffie (Respondent)
2 before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

3 2. On or about January 1, 1990, the Bureau of Automotive Repair (Bureau) issued
4 Automotive Repair Dealer Registration No. ARD 153378 to Respondent. The Automotive
5 Repair Dealer Registration expired on April 30, 2012, and has not been renewed.

6 3. On or about May 4, 1990, the Bureau of Automotive Repair issued Smog Check
7 Station License No. RC 153378 to Respondent. The Smog Check Station License expired on
8 April 30, 2012, and has not been renewed.

9 4. In or about 1998, the Bureau of Automotive Repair issued Advanced Emission
10 Specialist Technician License Number EA 101948 to Robert Simon Maffie ("Respondent Maffie
11 or Respondent"). The Advanced Emission Specialist Technician License expired on May 31,
12 2012, and has not been renewed. Upon timely renewal of the license, the license will be
13 redesignated as EO 101948 and/or EI 101948.¹

14 5. On or about January 30, 2014, Respondent was served by Certified and First Class
15 Mail copies of the Accusation No. 79/14-80, Statement to Respondent, Notice of Defense,
16 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
17 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
18 Code section 136, is required to be reported and maintained with the Bureau. Respondent's
19 address of record was and is: 4601 Slauson Avenue, Maywood, CA 90270.

20 6. Service of the Accusation was effective as a matter of law under the provisions of
21 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
22 124.

23 7. On or about February 6, 2014, the aforementioned documents were returned by the
24 U.S. Postal Service marked "Addressee Unknown." The address on the documents was the same

25 _____
26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 as the address on file with the Bureau. Respondent failed to maintain an updated address with the
2 Bureau and the Bureau has made attempts to serve the Respondent at the address on file.
3 Respondent has not made itself available for service and therefore, has not availed itself of their
4 right to file a notice of defense and appear at hearing.

5 8. Government Code section 11506 states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the respondent
7 files a notice of defense, and the notice shall be deemed a specific denial of all parts
8 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

9 9. Respondent failed to file a Notice of Defense within 15 days after service upon them
10 of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No.
11 79/14-80.

12 10. California Government Code section 11520 states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense or to appear at the
14 hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
15 respondent.

16 11. Pursuant to its authority under Government Code section 11520, the Director after
17 having reviewed the proof of service dated January 30, 2014, signed by Teresa Sutton, (and return
18 envelopes) finds Respondent is in default. The Director will take action without further hearing
19 and, based on Accusation, No. 79/14-80, proof of service and on the Affidavit of Bureau
20 Representative Joseph B. Cheung, finds that the allegations in Accusation are true.

21 12. Taking official notice of its own internal records, pursuant to Business and
22 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
23 and Enforcement is \$1717.50 as of February 13, 2014.

24 DETERMINATION OF ISSUES

25 1. Based on the foregoing findings of fact, Respondent Roberts Automotive Services,
26 Inc.; Robert Simon Maffie has subjected its Automotive Repair Dealer Registration No. ARD
27 153378, Smog Check Station License No. RC 153378 and Advanced Emission Specialist
28 Technician License Number EA 101948 to discipline.

1 2. The agency has jurisdiction to adjudicate this case by default.

2 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive
3 Repair Dealer Registration based upon the following violations alleged in the Accusation which
4 are supported by the evidence contained in the affidavit of Bureau Representative Joseph B.
5 Cheung in this case.:

6 a. Respondent has subjected his station license to discipline pursuant to Health and
7 Safety Code section 44050, subdivision (e), in that on or about March 9, 2011, the Bureau issued
8 Citation No. C2011-1043 to Respondent against his station license for violations of Health and
9 Safety Code section 44012, subdivision (f) (failure to determine that emission control devices and
10 systems required by State and Federal law are installed and functioning correctly in accordance
11 with test procedures) and California Code of Regulations, title 16, ("Regulation"), section
12 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle improperly tested). On
13 or about March 29, 2011, the Bureau served Respondent with the citation. The Bureau assessed
14 an administrative fine in the amount of \$1,000. Respondent timely appealed the citation and a
15 hearing date was set. However, on or about February 29, 2012, Respondent formally withdrew his
16 appeal. To date, Respondent has failed to pay the administrative fine.

17 b. Respondent has subjected his station license to additional discipline pursuant to
18 Health and Safety Code section 44050, subdivision (e), in that on or about August 18, 2011, the
19 Bureau issued Citation No. C2012-0175 to Respondent against his station license for violation of
20 Health and Safety Code section 44012, subdivision (f) (failure to determine that emission control
21 devices and systems required by State and Federal law are installed and functioning correctly in
22 accordance with test procedures). On or about September 14, 2011, the Bureau served
23 Respondent with the citation. The Bureau assessed an administrative fine in the amount of
24 \$1500. Respondent timely appealed the citation and a hearing date was set. However, on or about
25 February 29, 2012, Respondent formally withdrew his appeal. To date, Respondent has failed to
26 pay the administrative fine.

27 c. Respondent Maffie has subjected his advanced emission specialist technician license
28 to discipline pursuant to Health and Safety Code sections 44050, subdivision (e), and 44045.6,

1 and California Code of Regulations (“CCR”), title 16, section 3320.24 subsection (d) in that on
2 or about August 18, 2011, the Bureau issued Citation No. M2012-0176 to Respondent Maffie
3 against his Advanced Emissions Specialist Technician license for violations of Health and Safety
4 Code section 44032, (Qualified technicians shall perform tests of emission control systems and
5 devices in accordance with section 44012 of the Health and Safety Code). On or about
6 September 14, 2011, the Bureau served Respondent with the citation. The Bureau ordered
7 Respondent Maffie to attend a 16 hour training course with proof of completion submitted to the
8 Bureau within 30 days of receipt of the Citation. Respondent Maffie timely appealed the citation
9 and a hearing date was set. However, on or about February 29, 2012, Respondent Maffie formally
10 withdrew his appeal. To date, Respondent Maffie has failed to submit to the Bureau proof of
11 completion of the 16 hour training course.

12 ORDER

13 IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 153378, Smog
14 Check Station License No. RC 153378, and Advanced Emission Specialist Technician License
15 Number EA 101948 heretofore issued to Respondent Roberts Automotive Services, Inc.; and/or
16 Robert Simon Maffie, are all revoked.

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Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Boulevard, Rancho Cordova, Ca. 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 24, 2014.

It is so ORDERED MAR 04 2014



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

REVISED DEFAULT PLEADING.DOCX
DOJ Matter ID:LA2013510646

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **ROBERTS AUTOMOTIVE SERVICE INC DBA**
14 **ROBERTS AUTOMOTIVE SERVICE INC**
15 **ROBERT SIMON MAFFIE, PRESIDENT,**
16 **ARACELI MAFFIE, SECRETARY**

17 **4601 E. Slauson Avenue,**
18 **Maywood, Ca. 90270**

19 **Automotive Repair Dealer Registration No. ARD 153378**
20 **Smog Check Station License No. RC 153378,**

21 **ROBERT SIMON MAFFIE,**
22 **4601 E. Slauson Avenue,**
23 **Maywood, CA 90270**

24 **Advanced Emission Specialist Technician License No. EA**
25 **101948, (to be redesignated upon renewal as EO 101948**
26 **and/or EI 101948)**

27 Respondent.

Case No. 79/14-80

ACCUSATION
SMOG CHECK

28 Complainant alleges:

PARTIES

1. Patrick Dorais ("Complainant") brings this Accusation solely in his official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

1 **Automotive Repair Dealer Registration**

2 2. In or about 1990, the Bureau issued Automotive Repair Dealer Registration Number
3 ARD 153378 to Roberts Automotive Service Inc with Robert Simon Maffie as President and
4 Araceli Maffie as Secretary doing business as Roberts Automotive Service Inc (“Respondent”).
5 The automotive repair dealer registration expired on April 30, 2012, and has not been renewed.

6 **Smog Check Station License**

7 3. On or about May 4, 1990, the Bureau issued Smog Check Station License Number
8 RC 153378 (“station license”) to Respondent. The station license expired on April 30, 2012, and
9 has not been renewed.

10 **Advanced Emission Specialist Technician License**

11 4. In or about 1998, the Bureau of Automotive Repair issued Advanced Emission
12 Specialist Technician License Number EA 101948 to Robert Simon Maffie (“Respondent Maffie
13 or Respondent”). The Advanced Emission Specialist Technician License expired on May 31,
14 2012, and has not been renewed. Upon timely renewal of the license, the license will be
15 redesignated as EO 101948 and/or EI 101948.¹

16 **JURISDICTION AND STATUTORY PROVISIONS**

17 5. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
18 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
19 the Motor Vehicle Inspection Program.

20 6. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
21 expiration or suspension of a license by operation of law, or by order or decision of the Director
22 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
23 the Director of jurisdiction to proceed with disciplinary action.

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25 _____
26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
29 Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 COST RECOVERY

2 12. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE

7 **(Failure to Pay Administrative Fine)**

8 13. Respondent has subjected his station license to discipline pursuant to Health and
9 Safety Code section 44050, subdivision (e), in that on or about March 9, 2011, the Bureau issued
10 Citation No. C2011-1043 to Respondent against his station license for violations of Health and
11 Safety Code section 44012, subdivision (f) (failure to determine that emission control devices and
12 systems required by State and Federal law are installed and functioning correctly in accordance
13 with test procedures) and California Code of Regulations, title 16, (“Regulation”), section
14 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle improperly tested). On
15 or about March 29, 2011, the Bureau served Respondent with the citation. The Bureau assessed
16 an administrative fine in the amount of \$1,000. Respondent timely appealed the citation and a
17 hearing date was set. However, on or about February 29, 2012, Respondent formally withdrew his
18 appeal. To date, Respondent has failed to pay the administrative fine.

19 14. Respondent has subjected his station license to additional discipline pursuant to
20 Health and Safety Code section 44050, subdivision (e), in that on or about August 18, 2011, the
21 Bureau issued Citation No. C2012-0175 to Respondent against his station license for violation of
22 Health and Safety Code section 44012, subdivision (f) (failure to determine that emission control
23 devices and systems required by State and Federal law are installed and functioning correctly in
24 accordance with test procedures). On or about September 14, 2011, the Bureau served
25 Respondent with the citation. The Bureau assessed an administrative fine in the amount of
26 \$1500. Respondent timely appealed the citation and a hearing date was set. However, on or about
27 February 29, 2012, Respondent formally withdrew his appeal. To date, Respondent has failed to
28 pay the administrative fine.

1 SECOND CAUSE FOR DISCIPLINE

2 (Failure to Complete Training)

3 15. Respondent Maffie has subjected his advanced emission specialist technician license
4 to discipline pursuant to Health and Safety Code sections 44050, subdivision (e), and 44045.6,
5 and California Code of Regulations ("CCR"), title 16, section 3320.24 subsection (d) in that on
6 or about August 18, 2011, the Bureau issued Citation No. M2012-0176 to Respondent Massie
7 against his Advanced Emissions Specialist Technician license for violations of Health and Safety
8 Code section 44032, (Qualified technicians shall perform tests of emission control systems and
9 devices in accordance with section 44012 of the Health and Safety Code). On or about
10 September 14, 2011, the Bureau served Respondent with the citation. The Bureau ordered
11 Respondent Maffie to attend a 16 hour training course with proof of completion submitted to the
12 Bureau within 30 days of receipt of the Citation. Respondent Maffie timely appealed the citation
13 and a hearing date was set. However, on or about February 29, 2012, Respondent Massie formally
14 withdrew his appeal. To date, Respondent Massie has failed to submit to the Bureau proof of
15 completion of the 16 hour training course.

16 OTHER MATTERS

17 16. Pursuant to Health and Saf. Code section 44072.8, if Smog Check Test Only Station
18 License Number RC 153378, issued to Roberts Automotive Service Inc with Robert Simon
19 Maffie as President and Araceli Maffie as Secretary doing business as Roberts Automotive
20 Service Inc, is revoked or suspended, any additional license issued under this chapter in the name
21 of said licensee may be likewise revoked or suspended by the director.

22 17. Pursuant to Health & Saf. Code section 44072.8, if Respondent Massie's Advanced
23 Emission Specialist Technician License currently dcsignated as EA 101948 and as redesignated
24 upon timely renewal as EO 101948 and/or EI 101948, is revoked or suspended, any additional
25 license issued under this chapter in the name of said licensee may be likewise revoked or
26 suspended by the director.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking or suspending Sinog Check Test Only Station License Number RC 153378, issued to Roberts Automotive Service Inc with Robert Simon Maffie as President and Araceli Maffie as Secretary, doing business as Roberts Automotive Service Inc;

2. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Robert Simon Maffie and Araceli Maffie;

3. Revoking or suspending Robert Simon Massie's Advanced Emission Specialist Technician License currently designated as EA 101948, and as redesignated upon timely renewal as EO 101948 and/or EI 101948;

4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Robert Simon Massie;

5. Ordering Roberts Automotive Service Inc with Robert Simon Maffie as President and Araceli Maffie as Secretary doing business as Roberts Automotive Service Inc, and Robert Simon Massie and Araceli Maffie to each pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

6. Taking such other and further action as deemed necessary and proper.

DATED: January 8, 2014

Patrick Dorais

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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